

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.:	EAC-2010-02808
Control No.:	2005-00003
Applicant:	Boynton Beach Associates XIX LLLP
Owners:	Boynton Beach Assoc Xix Llp
Agent:	G.L. Homes - Gladys DiGirolamo
Telephone No.:	(954) 753-1730
Project Manager:	Douglas Robinson, Site Planner I

Location: South of Boynton beach blvd., west of and adjacent to Lyons Road and east of and adjacent to SR7 (**Lyons West**).

TITLE: an Expedited Application Consideration **REQUEST:** to modify a Condition of Approval (Engineering)

APPLICATION SUMMARY: Proposed is an Expedited Application Consideration for a Development Order Amendment for the Lyons West Planned Unit Development (AGR-PUD). The Lyons West development was originally approved by the Board of County Commissioners (BCC) on September 22, 1995 by Resolution R-2005-1791 for an AGR-PUD to allow 943 dwelling units on 943.35 acres of land. The most recent approval by the BCC was on July 23, 2009 by Resolution R-2009-1220 for an AGR-PUD with 1061 dwelling units on 1061 acres which includes 669.21 acres of development area, 378.258 acres of agricultural preserve area, and 13.59 acres of right of way dedication. The applicant is requesting to delete Engineering Condition 2 which requires funding of a traffic signal at the Lyons Road and State Road 7 project entrance if warranted. The applicant is also requesting to extend the current build out date from December 31, 2013 to December 31, 2015 . There are no other changes being requested. Access to the site will remain from Lyons Road (1 access point).

ISSUES SUMMARY:

o Project History

Lyons West was originally approved on September 22, 2005 (R-2005-1791) for 943 units on a 943.35 acre parcel of land. The project was amended on April 24, 2008 (R-2008-701) to allow 1080 units on a 1080.5-acre parcel of land. On January 8, 2009, the project was again amended by R2009-0007) to reconfigure the master plan, reduce the number of units, delete a condition, create a model row and restart the commencement clock. Subsequent to those approvals a DOA-EAC was approved on July 23, 2009 by R-2009-1220 to modify Engineering and Planning Condition related to phasing. The current approval includes 1,061 dwelling units (adult restricted) on 1,061.07 acres of total land.

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request for a Development Order Amendment to modify an Engineering Condition of approval is consistent with the site's Agricultural Reserve FLU designation. The development is located within the Agricultural Reserve tier. See Planning Division comments for additional information.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)

Supporting: Vacant (Control No 05-162 Amestoy AGR-PUD)

SOUTH:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve District (AGR)

Supporting: Vacant (Control No N/A)

EAST:

FLU Designation: Agricultural Reserve, with an underlying CL (AGR/CL)

Zoning District: Traditional Marketplace Development (TMD)

Supporting: Residential (Control No 02-067 Trails at Canyon/Fogg Property North PUD)

WEST:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve District (AGR)

Supporting: Vacant (Control No 97-120)

To the north across Boynton Beach Boulevard, is the recently amended Amestoy AGR-PUD; to the south is vacant property with an AGR Zoning District, to the east is Fogg Properties developments including Canyon TMD, Fogg North and Fogg Central AGR-PUDs, to the northwest is an Amestoy preserve area and vacant property within the AGR Zoning District, and to the west across SR7/US441 is vacant property within the AGR Zoning District. The existing approvals for the surrounding AGR-PUDs all have an average net density on the developable areas of approximately 2.5 units per acre and 50 to 60 percent zero lot lines. Lyons West has a net density of 2.8 units per acre and maintains 90% zero lot line units. The proposed modification to address Engineering Conditions will not affect the previous approval.

o Modification of Engineering Condition number 2

PROPOSED

Engineering Condition No. 2:

A. The property owner shall fund the cost of signal installation if warranted as determined by:

The County Engineer at the Project's Entrance and Lyons Road

~~The County Engineer and the Florida Department of Transportation at the Project's Entrance and SR 7~~

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Building permits for more than 220 dwelling units shall not be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division for the signal at the Project's Entrance and Lyons Road.

STAFF RESPONSE

SUPPORT: The County Engineer approved this request to extend the current build out date. The current and future roadway capacity justifies the request to eliminate funding a traffic signal at the project's entrance and State Road 7 is not required as the current approval is restricted to Right in Right out and after meeting with FDOT. The project now has approval for a directional access opening which will permit right in, right out and left in. Although this new approval requires the median to be modified it does not require a signal. Therefore staff is in support of the requested modification.

o Traffic

See Staff Review and Analysis for additional comments from the Engineering Division.

- o Landscape/Buffering

No changes are proposed to any landscaping conditions of approval.

- o Development Order Amendment – Changed Circumstances

According to the updated Traffic Report relating to the current and future roadway conditions and capacities submitted with this application, Engineering Condition number 2 specifically relating to funding a traffic signal at the project’s entrance and State Road 7 is not required. The project now has approval for a directional access opening which will permit right in, right out and left in. Although this new approval requires the median to be modified it does not require a signal. The applicant is asking to delete the condition to post surety for a signal that is not required or needed. The current and future roadway capacities also justify the request to extend the project’s build out date from December 31, 2013 to December 31, 2017. Staff has evaluated the applicant’s justification and responses for each standard listed under Article 2.B.2.B and has determined that there are no impacts or incompatibilities created by this request.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-43-27-05-053-0582 00-42-43-27-05-053-0581 00-42-43-27-05-053-0571 00-42-43-27-05-053-0591 00-42-43-27-05-053-0811	Same
Land Use Designation:	Agricultural Reserve (AGR)	Same
Zoning District:	Agricultural Reserve District (AGR) Agricultural Reserve Planned Unit Development (AGR-PUD)	Same
Tier:	Agricultural Reserve (AGR)	Same
Use:	Multi-Family Single-Family Townhouse	Same
Acreage:	1080.5 acres	Same
Dwelling Units:	1080	Same
Density:	1 dwelling unit/acre	Same
Access:	SR7 and Lyons Road	Same

RECOMMENDATION: Staff recommends approval of the request subject to 50 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify conditions of approval (Engineering 2) and extend the current build out date from December 31, 2013 to December 31, 2017 subject to the Conditions of Approval as indicated in Exhibit C.

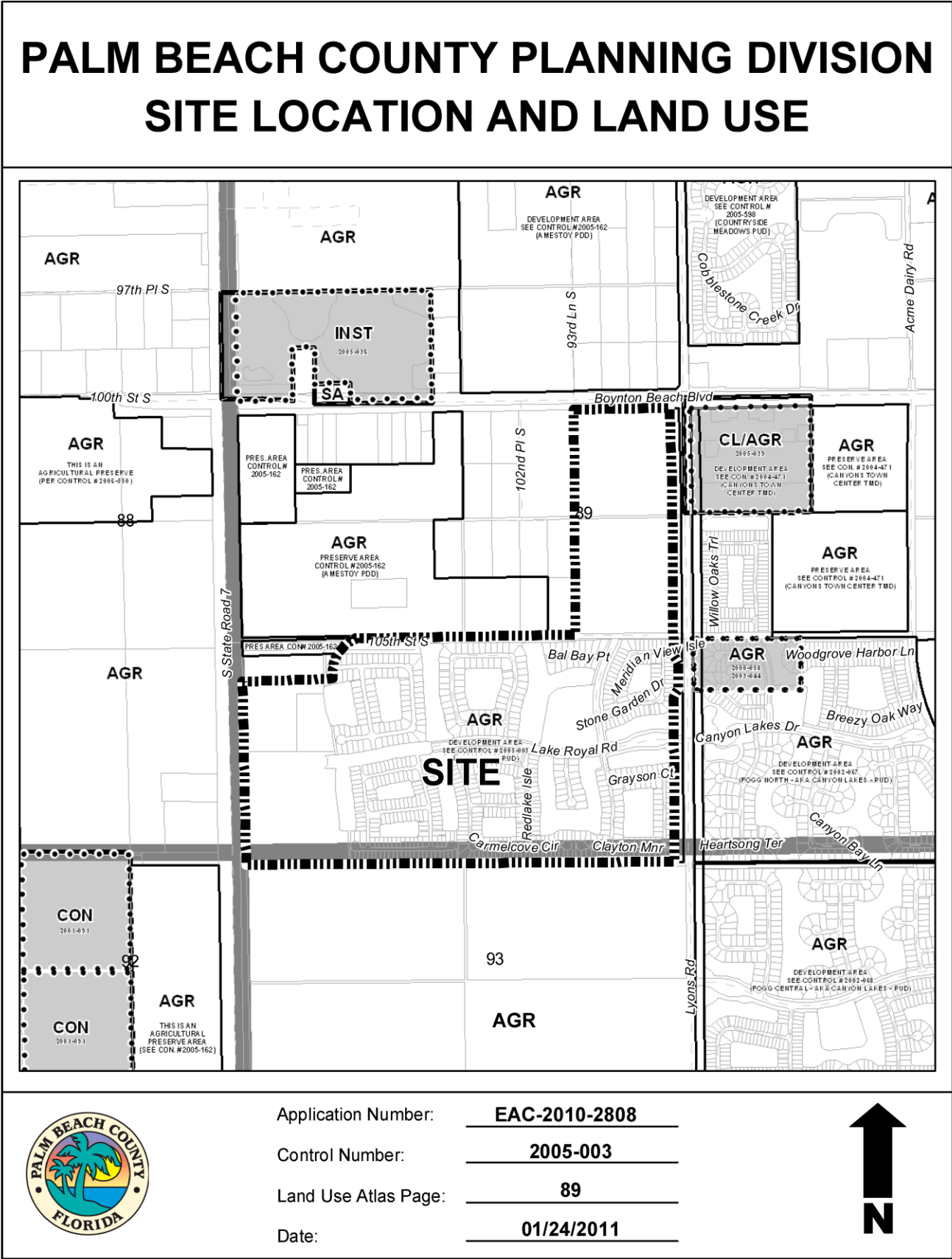
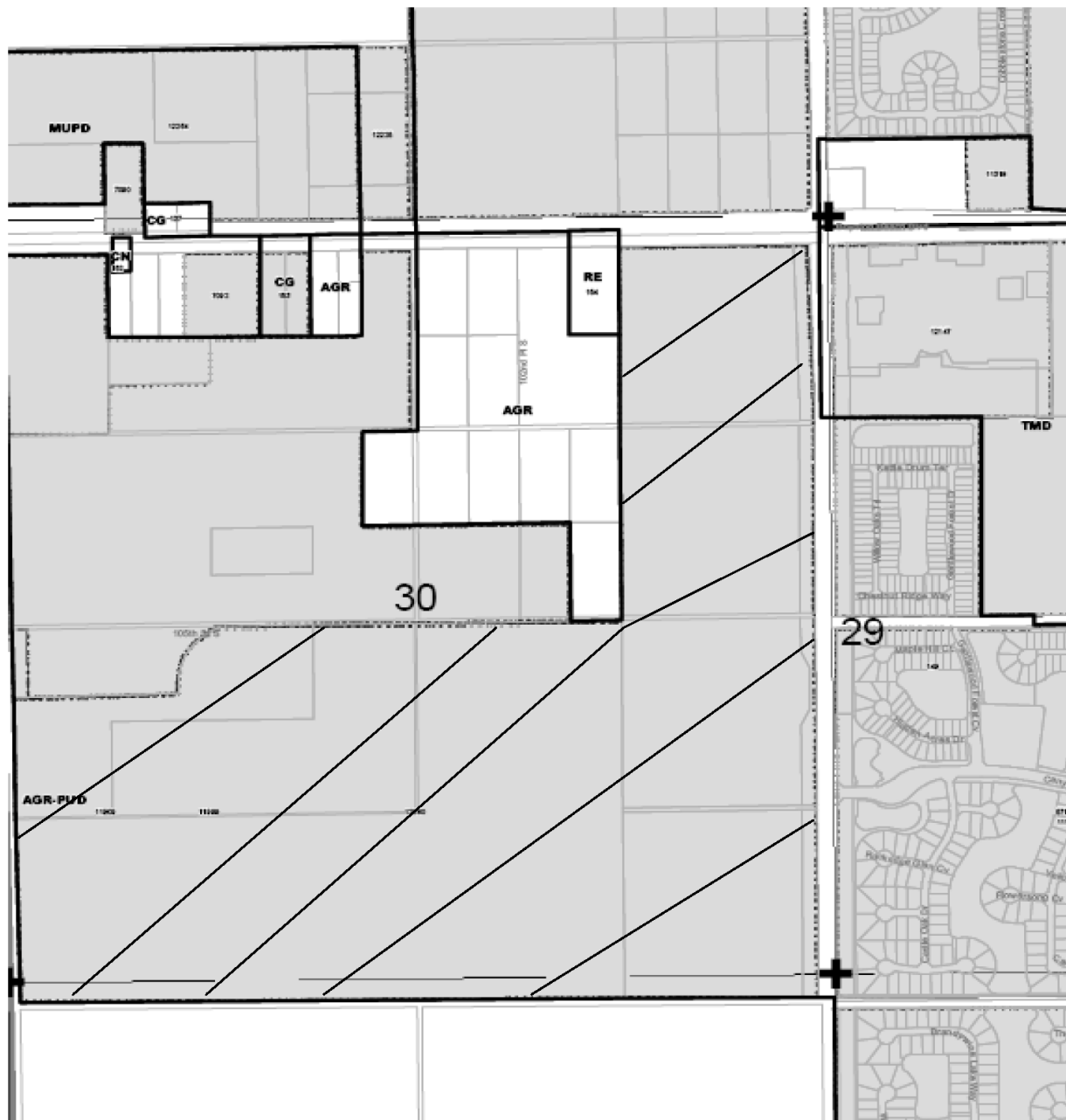


Figure 1 Land Use Atlas Map

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2010-2808
Zoning Quad 50



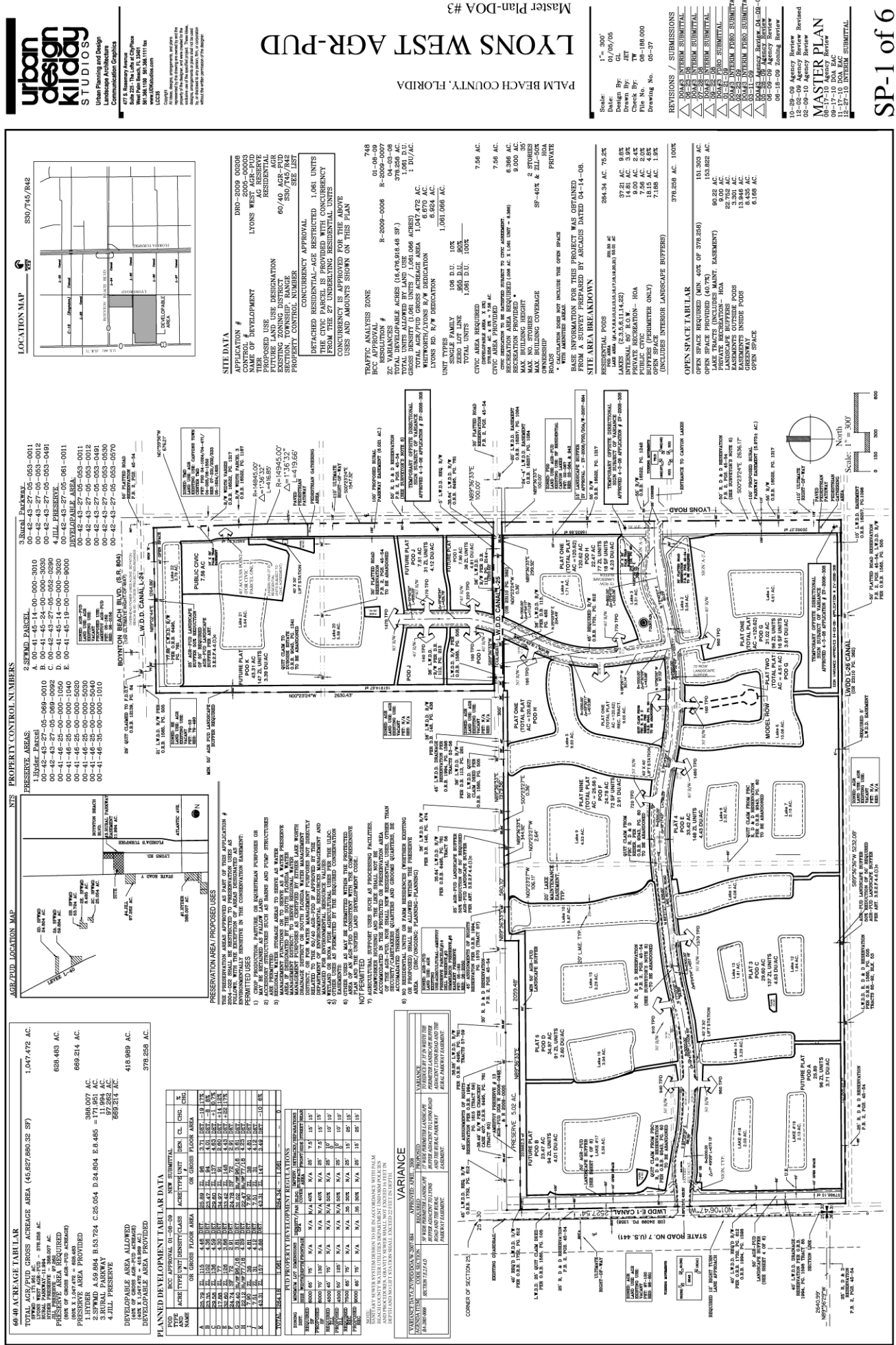
Figure 2 Zoning Quad Map



PROJECT NAME

Planning, Zoning and Building
Department - GIS

Figure 3 Aerial





PALM BEACH COUNTY, FLORIDA

REVISIONS / SUBMISSIONS
DOA SUBMITTAL 6-20-07
DOA SUBMITTAL 7-23-07
DOA SUBMITTAL 8-27-07
DOA SUBMITTAL 10-29-07
DOA SUBMITTAL 12-17-07
DOA SUBMITTAL 01-14-08
DOA#3 SUBMITTAL 04-16-08
DOA#3 TERM SUBMITTAL 05-23-08
DOA#3 TERM SUBMITTAL 09-23-08
DOA#3 TERM SUBMITTAL 09-23-08
DOA#3 TERM SUBMITTAL 09-23-08
DOA#3 TERM SUBMITTAL 09-23-08

1 of 8



BCC
Application No. EAC-2010-02808
Control No. 2005-00003
Project No. 00939-000

Page 135

Adobe PDF

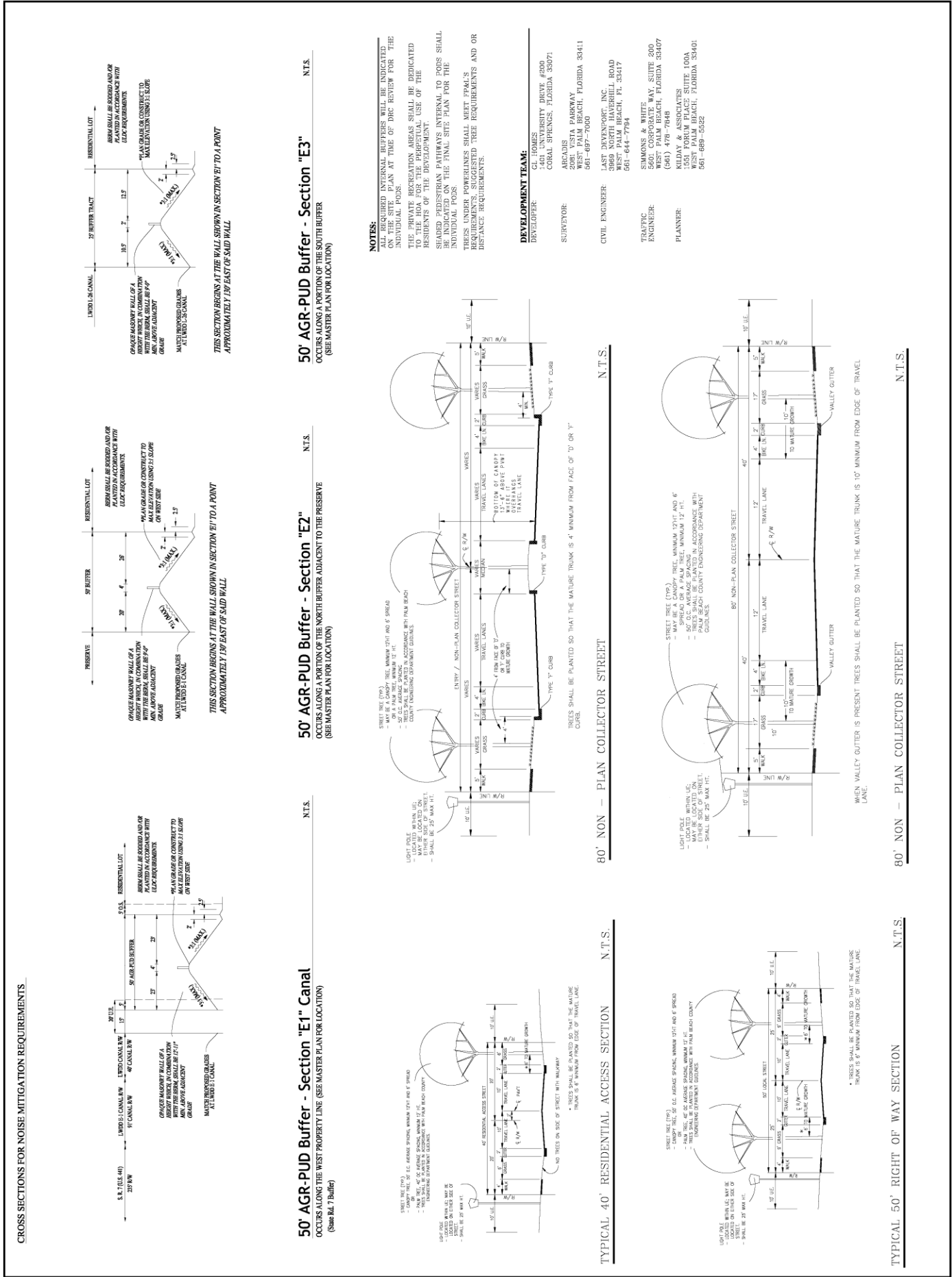
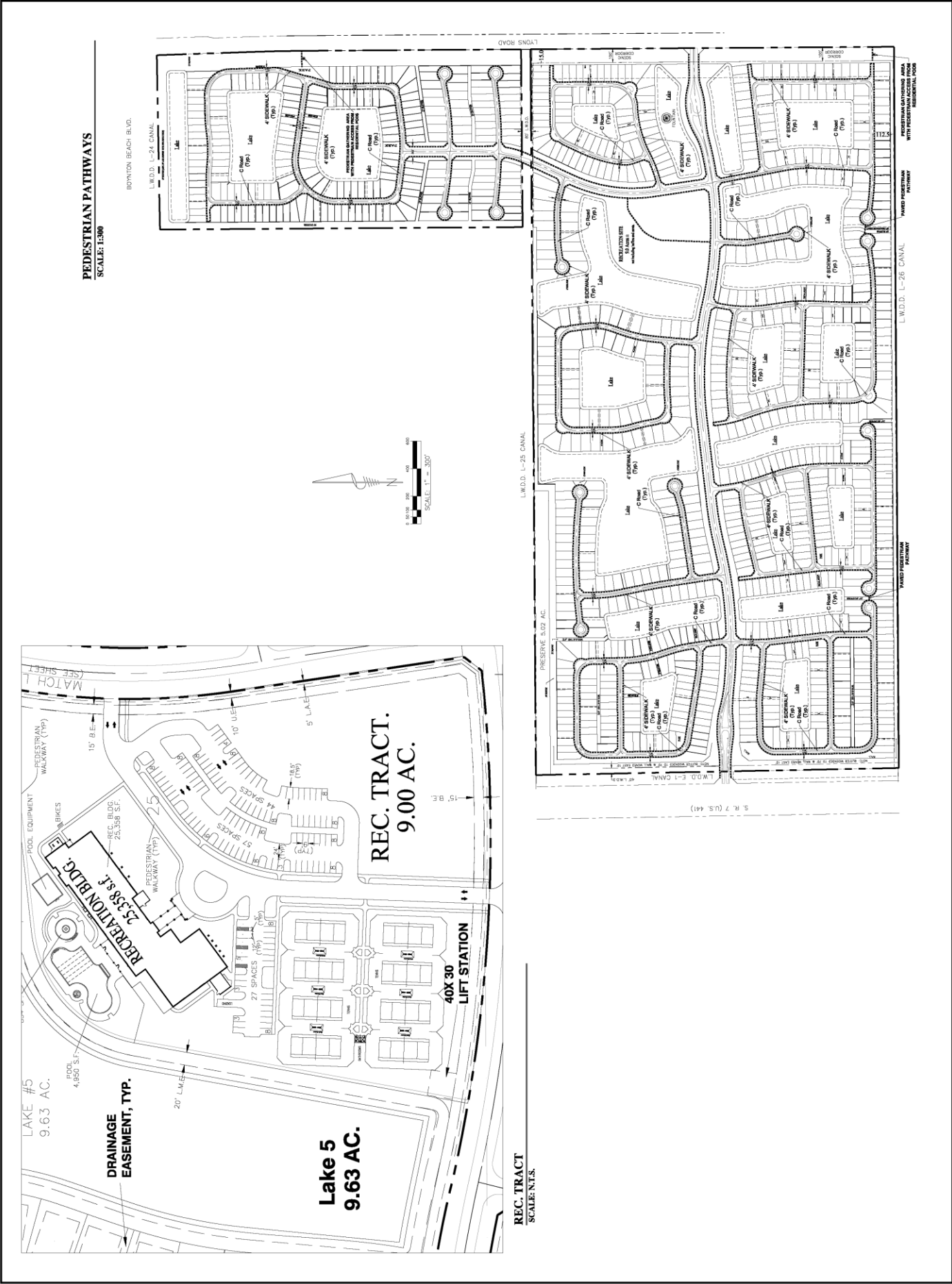


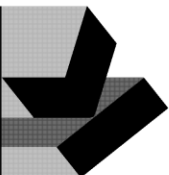






Figure 9 Preliminary Regulating Plan dated 9/22/2008 page 5





Kilday & Associates, Inc.
Landscape Architects / Planners
1501 Palm Beach Boulevard, Suite 100
Palm Beach, Florida 33480
Phone: (561) 890-5322
Fax: (561) 890-5323
www.kildayassociates.com

Regulating Plan-DOA#3

LYONS WEST AGR-PUD

PALM BEACH COUNTY, FLORIDA

Regulating
Plan

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agricultural Reserve (AGR).

TIER: The subject site is in the Agricultural Reserve Tier.

FUTURE ANNEXATION AREAS: The subject site is not within the future annexation area of any municipality.

INTERGOVERNMENTAL COORDINATION: The subject site is not within 1 mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for an Expedited Application and Development Order Amendment (DOA) to extend the build-out date and amend Engineering Conditions of Approval and has found the request to be consistent with the site's FLU designation.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The request is located within the West Boynton Area Community Planning Area. No conflicts have been identified relating to the request.

FINDINGS: The request is consistent with the AGR land use designation of the Palm Beach County Comprehensive Plan

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain a Land Development Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Lyons Road and a permit from the Florida Department of Transportation for access onto SR-7.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is under development.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: Based on the previous application on the proposed 1061 dwelling units 6.48 acres of on site recreation is required. The plan submitted indicates there will be 9.00 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

CONCURRENCY: Concurrency is approved for 1061 adult dwelling units, consisting of 106 single family units and 955 zero lot line units.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

- 1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has determined this request is consistent with the AGR land use designation of the Palm Beach County Comprehensive Plan.

- 2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed amendment to the Engineering Condition complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS and does not affect the existing compliance of the project with the ULDC.

- 3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The request to modify a condition proposed by this application and extend the build out date has no effect to the development plan for Lyons West and therefore no effect on the compatibility with surrounding uses.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The request to modify an engineering condition of approval and extend the build out date proposed by this application has no effect on visual impact or intensity of use on adjacent lands and therefore continues to have a design that minimizes adverse impact.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

The request is to modify an Engineering Condition and there are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The development pattern in this area has already been established by the existing Canyon projects to the east, and the Amestoy AGR-PUD to the north. The request to revise an engineering condition of approval and extend the build out date as proposed by this application has no effect to the development plan for Lyons West and therefore continues to be consistent with the development patterns in the area.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

This is located within the West Boynton Area Community Plan and that the proposed Planned Development is in compliance with this Plan. The request to modify an engineering condition of approval and extend the build out date proposed by this application has no effect to the development plan for Lyons West and therefore continues to be consistent with the West Boynton Area Community Plan.

8. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

The extent to which the proposed use complies with Art. 2.F, Concurrency. This request has no effect on concurrency. The existing concurrency approval for 1061 units remains valid.

9. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

According to the updated Traffic Report relating to the current and future roadway conditions and capacities submitted with this application, Engineering Condition number 2 specifically relating to funding a traffic signal at the project's entrance and State Road 7 is not required. The project now has approval for a directional access opening which will permit right in, right out and left in. Although this new approval requires the median to be modified it does not require a signal. The applicant is asking to delete the condition to post surety for a signal that is not required or needed. The current and future roadway capacities also justify the request to extend the project's build out date from December 31, 2013 to December 31, 2017. Staff has evaluated the applicant's justification and responses for each standard listed under Article 2.B.2.B and has determined that there are no impacts or incompatibilities created by this request.

CONDITIONS OF APPROVAL

EXHIBIT C

Expedited Application Consideration

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-007 (Control No. 2005-03), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (Previously Condition No. 1 of Resolution No. R-2009-1220, Control No. 2005-0003) (ONGOING: MONITORING -Zoning)

2. The approved master plan is dated March 18, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (Previous All Petitions Condition 2 of Resolution R-2009-1220, Control No. 2005-0003)(ONGOING: ZONING-Zoning)

3. Based on Article 2.E of the Unified land Development Code, this development order meets the requirements to receive a new three (3) year review date from date of approval of this resolution. (Previous January 8, 2009 All Petitions Condition 3 of Resolution R-2009-1220, Control No. 200503) (DATE ONGOING: MONITORING -Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits for no more than 184 Single Family Dwelling Units shall be issued until the construction commences on Lyons Rd from Lantana Road to Hypoluxo Road as a 4-lane divided section. (Previous Condition E.1.a of Resolution R-2009-1220, Control No. 2005-003) (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

b. Previous Condition E.1.b of Resolution R-2009-1220, Control No. 2005-003, which currently states:

No Building Permits for the site may be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

c. Building Permits for no more than 780 Adult Single Family Dwelling Units (the equivalent of 398 PM peak hour trips) shall be issued until construction commences on an additional north and south approach through lanes at the intersection of Boynton Beach Blvd and Hagen Ranch Rd. ((Previous Condition E.1.c of Resolution R-2009-1220, Control No. 2005-003) BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]

2. Previous Condition E.2 of Resolution R-2009-1220, Control No. 2005-003, which currently states:

The Property Owner shall fund the cost of signal installation if warranted as determined by:

- the County Engineer at the Project's Entrance and Lyons Road
- the County Engineer and the Florida Department of Transportation at the Project's Entrance and SR 7

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Building Permits for more than 220 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the Project's Entrance and Lyons Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Building Permits for more than 220 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING - Eng)

3. Previously Condition E.3 of Resolution R-2009-1220, Control Number 2005-003, which currently states:

In order to request release of the surety for the traffic signal at these intersections the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at both intersections. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng)

Is hereby amended to read:

In order to request release of the surety for the traffic signal in Condition E.2 the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng)

4. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road and Lyons Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way for Lyons Road. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (Previously Condition E.4 of Resolution R-2009-1220, Control Number 2005-003) (BLDG PERMIT: MONITORING -Eng) [Note: COMPLETED]

5. Previous Condition E.5 of Resolution R-2009-1220, Control No. 2005-003, which currently states:
The Property owner shall construct:

- i. right turn lane south approach on State Road 7 at the Project entrance;
- ii. left turn lane south approach on Lyons Road at the Project Entrance;
- iii. right turn lane north approach on Lyons Road at the Project Entrance.

Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits shall be obtained from Palm Beach County for the construction identified on Lyons Road prior to the issuance of the first Building Permit. (BLDG PERMIT:MONITORING-Eng)

- b. Construction of the Lyons Road improvements identified above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- c. Permits shall be obtained from Florida Department of Transportation for construction on SR 7 prior to the issuance of the 632nd Building Permit. (BLDG PERMIT: MONITORING-Eng)
- d. Construction of the SR 7 improvements identified above shall be completed prior to the issuance of the 632nd Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall construct:

- i. a right turn lane south approach on State Road 7 at the Project entrance;
- ii. a left turn lane north approach and directional median opening on State Road 7 at the Project entrance;
- iii. a left turn lane south approach on Lyons Road at the Project Entrance;
- iv. a right turn lane north approach on Lyons Road at the Project Entrance.

Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits shall be obtained from Palm Beach County for the construction identified on Lyons Road prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction of the Lyons Road improvements identified above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

c. Permits shall be obtained from Florida Department of Transportation for construction on SR 7 prior to the issuance of the 632nd Building Permit. (BLDG PERMIT: MONITORING-Eng)

d. Construction of the SR 7 improvements identified above shall be completed prior to the issuance of the 632nd Certificate of Occupancy. (Previously Condition E.5 of Resolution R-2009-1220, Control Number 2005-003) (CO: MONITORING-Eng)

6. Previously Condition E.6 of Resolution R-2009-1220, Control Number 2005-003, which currently states:

FUTURE SR 7 MEDIAN IMPROVEMENTS

If the Florida Department of Transportation issues revised permits for median improvements on State Road 7 at the project entrance, then a revised DRO Final site plan will be required. During the DRO review intersection improvements will be reviewed and appropriate conditions of approval shall be added/modified to correspond to the revised Department of Transportation Permit. (ONGOING: ENGINEERING- Eng)

Is hereby deleted. [Reason: Condition E.5 now addresses these improvements.]

7. ROAD DRAINAGE EASEMENT

On or before March 1, 2006 the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and

appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (Previously Condition E.7 of Resolution R-2009-1220, Control Number 2005-003) (DATE:MONITORING-Eng) [Note: COMPLETED]

8. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first 100 building permits. (BLDG PERMIT: MONITORING - Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first 150 certificates of occupancy. (CO: MONITORING -Eng)
- c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENGINEERING- Eng)
- d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (Previously Condition E.8 of Resolution R-2009-1220, Control Number 2005-003) (ONGOING: ENGINEERING-Eng) [NOTE: COMPLETED]

9. SR 7/US441 NOISE MITIGATION

The Preliminary Development Plan for this site shall be amended to reflect noise mitigation requirements for dwelling units adjacent to SR 7/US441 as outlined in the applicants approved Noise Analysis.

a. Requirements such as a sound wall and or landscape buffers, as determined by the County Engineer based on an approved noise analysis and FDOT's recommendation, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING-Eng)

b. Construction of any sound walls and landscape buffers required by the County Engineer based on an approved noise analysis and FDOT's recommendation as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods A or B. The property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod A and B prior to receipt of the first building permit within Pods A or B. (CO:MONITORING-Eng)

c. The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that:

- i. this site is adjacent to SR7/US 441,
- ii. the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to SR7/US 441, and

iii. the Developer has installed noise abatement improvements determined by the County Engineer and Florida Department of Transportation to be effective in keeping noise levels from SR7/US 441 below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County. (ONGOING: ENGINEERING - Eng)

d. The property owner shall submit documentation of compliance with c" above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 15, 2006 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (Previously Condition E.9 of Resolution R- 2009-1220, Control Number 2005-003) (DATE/ONGOING: MONITORING-Eng)

10. Prior to Final Master Plan approval by the Development Review Officer, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community as approved by the County Attorney and County Engineer. (Previously Condition E.10 of Resolution R-2009-1220, Control Number 2005-003) (DRO:ENGINEERING-Eng) [Note: COMPLETED]

11. Prior to Master Plan approval by the Development Review Officer, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community as approved by the County Attorney and County Engineer. (Previously Condition E.11 of Resolution R-2009-1220,Control Number 2005-003) (DRO:ENGINEERING-Eng) [Note: COMPLETED]

12. Acceptable surety for the design, right of way acquisition, and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in Condition No. E.1.c, shall be posted with the Land Development Division on or before July 8, 2009. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. (Previously Condition E.12 of Resolution R-2009-1220, Control Number 2005-003) (DATE: MONITORING-Eng) (TPS - Maximum 6 month time extension) [Note: COMPLETED]

13. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR-7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the 632 building permit. (BLDG PERMIT: MONITORING-Eng)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 632 certificate of occupancy. (CO: MONITORING -Eng)

c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENGINEERING- Eng)

d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR-7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING- Eng) (Previously Condition E.13 of Resolution R-2009-1220, Control Number 2005-003)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering all of the conservation parcels, shall be approved by ERM prior to final DRC site plan approval. (Previous ERM Condition No. 1 of Resolution R-2009-1220, Control No. 2005-003) (DRO:ERM-ERM)

2. All Restricted Covenant Agreements and Conservation Easements for all of the Conservation Parcels, shall be submitted to ERM for review and approval prior to recordation (Previous ERM Condition No. 2 of Resolution 2009-1220, Control No. 2005-003) .(DRO:ERM-ERM)

LANDSCAPE – GENERAL

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: Three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous Landscape Condition 1 of Resolution R-2009-1220, Control No. 2005-03) (BLDG PERMIT: LANDSCAPE -Zoning)

2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previous Landscape Condition 2 of Resolution R-2009-1220, Control No. 2005-03) (BLDG PERMIT: LANDSCAPE -Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (Previous Landscape Condition 3 of Resolution R-2009-1220, Control No. 200503) (BLDG PERMIT: LANDSCAPE Zoning)

4. Field adjustment of wall, fence, berm, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (Previous Landscape Condition 4 of Resolution R-2009-1220, Control No. 2005-03) (BLDG PERMIT: LANDSCAPE -Zoning)

5. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (Previous Landscape Condition 5 of Resolution R-2009-1220, Control No. 2005-03) (BLDG PERMIT: BLDG -Zoning)

LANDSCAPE - PERIMETER-PERIMETER OF DEVELOPMENT AREA

6. In addition to code requirements, all perimeter landscape buffers shall be upgraded to include:

- a. a minimum of one (1) native palm for each twenty (20) linear feet of the applicable property line with a maximum spacing of sixty (60) feet between clusters. Palms shall be planted alternating on both sides of a wall or fence, if required;
- b. a minimum of one (1) pine tree for each thirty (30) linear feet of the applicable property line. Pines shall be planted in clusters of a minimum of five (5), with a maximum spacing of one hundred and fifty (150) feet between clusters. Pines clusters shall be planted alternating on both sides of a wall or fence, if required; and,
- c. relocation of the above plant materials only shall be permitted only for the landscape buffer abutting the Rural Parkway, subject to review and approval by the Landscape Section. (Previous Landscape Condition 6 of Resolution R-2009-1220 Control No. 2005-03) (BLDG PERMIT: LANDSCAPE -Zoning)

PLANNED DEVELOPMENT

1. . Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (Previous PUD Condition 1 of Resolution R-2009-1220, Control No. 2005-03) (PLAT: CO ATTY -Zoning)

2. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, master plans and related site plans a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on February 28, 2009, and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (Previous PUD Condition 2 of Resolution R-2009-1220, Control No. 2005-03) (DATE: MONITORING -Zoning)

3. The model row approved in Pod G will serve Pods F, G and H. These pods will not be permitted additional sales models above those in the BCC approved model row. (Previous PUD Condition 3 of Resolution R-2009-1220, Control No. 2005-03) (ONGOING: ZONING -Zoning)

PLANNING

1. 1. The PUD shall be limited to a maximum of 1061 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, but unbuilt units may be transferred outside the development area. (Previous Condition Planning 1 of Resolution R-2009-1220, Control No. 2005-003) (DRO/ONGOING: PLANNING - Planning)

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide an as built Rural Parkway Landscape Plan for the entire Lyons West AGR-PUD Rural Parkway Preserve easement. (Previous Condition Planning 2 of Resolution R-2009-1220, Control No. 2005-003) (DRO: PLANNING - Planning) [NOTE: COMPLETE]

3. Prior to final Master Plan approval by the Development Review Officer (DRO), the property owner shall provide an AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and

the Unified Land Development Code (ULDC). (Previous Condition Planning 3 of Resolution R-2009-1220, Control No. 2005-003) (DRO: PLANNING - Planning) [NOTE: COMPLETE]

4. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for each Agricultural Preserve parcel. (Previous Condition Planning 4 of Resolution R-2009-1220, Control No. 2005-003) (DRO-PLANNING-Planning) [NOTE: COMPLETE]

5. Prior to final plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses” notes section on page 1 of the Master Plan and include the following: a. The preservation areas approved as part of this application shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement: PERMITTED USES: 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land; 2) Accessory structures such as barns and pump structures are permitted; 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values; 4) Wetland or bona fide agricultural uses per the ULDC; 5) Other uses as permitted by the required conservation easements; 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code, NOT PERMITTED: 7) Agricultural support uses such as processing facilities, farm worker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon. 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (Previous Condition Planning 5 of Resolution R-2009-1220, Control No. 2005-003) (DRO/ONGOING: PLANNING - Planning)

6. Prior to recordation of the plat for the developable area as identified in this application, for the Preserve parcels (exclusive of the SFWMD preserve), the property owner shall dedicate the land to Palm Beach County or another governmental entity such as the South Florida Water Management District or subject the parcel to a conservation easement, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. Conservation easements shall be required for the SFWMD preserve areas, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. The conservation easements for all of the Preservation parcels, shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division. a. The conservation easements for all of these preserve parcels shall contain: 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve; 2) a list of permitted uses, uses not permitted, and prohibited activities. b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (Previous Condition Planning 6 of Resolution R-2009-1220, Control No. 2005-003) (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning) [NOTE: COMPLETE]

7. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to April 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (Previous Condition Planning 8 of Resolution R-2009-1220, Control No. 2005-003) (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning) [NOTE: COMPLETE]

8. Prior to the issuance of the 200th Certificate of Occupancy, the property owner shall complete construction of the Rural Parkway according to the approved landscape plan. (Previous Condition Planning 9 of Resolution R-2009-1220, Control No. 2005-003) (CO: MONITORING - Planning)

9. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall indicate a pedestrian pathway along the lake fronting the recreation tract. In addition, a minimum of two (2) benches shall be placed at this location. (Previous Condition Planning 10 of Resolution R-2009-1220, Control No. 2005-003) (DRO: PLANNING - Planning)

10. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate pedestrian connections from the development area to the Rural Parkway Easement at the two locations shown on the certified master plan that read pedestrian gathering area". (Previous Condition Planning 11 of Resolution R-2009-1220, Control No. 2005-003) (DRO: PLANNING - Planning)

11. The two pedestrian connections to the Rural Parkway at the locations shown on the certified master plan that read pedestrian gathering area" may be controlled by gates or other security devices that may be controlled only by the property owner/developer/Homeowners Association of the PUD. However, in no case, shall a gate or security device at these locations not provide access to the Rural Parkway by being rendered inoperable or non-functional. (Previous Condition Planning 12 of Resolution R-2009-1220, Control No. 2005-003) (ONGOING: CODE ENF - Planning)

12. Prior to plat recordation for the Lyons West Development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall contain: a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items: 1) Flowering trees; 2) Undulating berms, no taller than five feet and landscaped with native vegetation; and, 3) Benches/pedestrian gathering areas with a water fountain. At least two (2) pedestrian gathering areas shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage. b. The Rural Parkway easement shall not include: 1) Walls; 2) structures with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains. c. The Rural Parkway easement may include: 1) A bus easement, 2) Other drainage/utility easements may only be permitted which: (i) transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD; and (ii) Palm Beach County Water Utility Easements for the purpose of extending reclaimed water lines which may run parallel to and within the 100' Lyons Road Rural Parkway and 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division. d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance. e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to April 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (Previous Condition Planning 13 of Resolution R-2009-1220, Control No. 2005-003) (PLAT/DATE: PLANNING/MONITORING -Planning) [NOTE: COMPLETE]

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 7.41-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by October 1, 2012. Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title - Property owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be

insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the property owner. The property owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency - Property owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Developer shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, property owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes - All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition - Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage - Property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property owner shall specifically address the following issues: 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins. 2) As easement across property owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections - By acceptance of these conditions property owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit - Property owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade - Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Right of Way Buffer Easement; Landscape/Buffer Easements; Gaps- Property Owner shall dedicate by plat and deed to County, any tract of land which may lie between the civic site and the roadway by which the County will be provided legal access to the civic site(s).

j) Water & Sewer - Property owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (Previous Civic Site condition 1 of R- 2009-1220) (DATE:MONITORING-PREM)

2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2012 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6. b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided. c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.)(Previous Civic Site Condition 2 of Resolution 2009-1220, Control No. 2005-00003) (DATE:MONITORING-PREM)

3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2012 . The minimum assessment which is required is commonly called a Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following: a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site. b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS). c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties. d) The results of an on-site survey to describe site conditions and to identify potential area of contamination. e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. f) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (Previous Civic Site Condition 3 of Resolution R2009-1220, Control No. 2005-003) (DATE:MONITORING-PREM)

4. The property owner has offered to provide the County with an offsite property which shall be used as a credit towards the required 7.41 onsite acres of this PUD. The offsite property conveyance shall be handled by either one of two separate agreements known as the proposed Hyder Agreement and the Exchange and Civic Site Dedication Agreement (approved under R-2004-0936), which agreements shall supersede all conditions set forth herein. However, should: (1) the Hyder Agreement not be finalized by either the County or the property owner, or (2) the property owner is not eligible to take the 7.41 acres credit pursuant to the Exchange and Civic Site Dedication Agreement if there is no remaining credit available at the time such credit is requested, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect.

The property owner may exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply, unless the off-site dedication is handled pursuant to the Hyder Agreement, in which case the obligations for the conveyance shall be those as specified in the agreement. If the land off-site is of less cash value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC. (Previous Civic Site Condition 4 of Resolution R2009-1220, Control No. 2005-00003) (Ongoing:PREM-PREM)

SCHOOL BOARD

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the applicant shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (Previous Condition SCHOOL BOARD 1 of Resolution R-2009-1220 (Control #2005-003)) (DRO: SCHOOL BOARD-Co Att.)

SITE DESIGN

1. All landscape focal points shall be:

- a. subject to review and approval by the Landscape Section; and,
- b. reflected on the regulating plan prior to final approval by the Development Review Officer (DRO). (Previous Building and Site Design Condition 1 of Resolution R-2009-1220, Control No. 2005-03) (DRO: LANDSCAPE -Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) for the entrance roads, a minimum of 12,000 square feet from Lyons Road to the west, and a minimum of 12,000 square feet from SR7/US 441/US441 to the east. (Previous Building and Site Design Condition 2 of Resolution R-2009-1220, Control No. 2005-03) (DRO: ZONING -Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to depict upgraded recreation amenities within each of neighborhood park. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface. This pathway shall have a direct connection to the the primary sidewalk system on the property;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
- e. be subject to review and approval by the Architectural Review Section. (Previous Building and Site Design Condition 3 of Resolution R2009-1220, Control No. 2005-03) (DRO: ZONING -Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as a Vice President of Boynton Beach XIX Corporation, a Florida corporation, the general partner of Boynton Beach Associates XIX, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is a Vice President of Boynton Beach XIX Corporation, a Florida corporation, the general partner of Boynton Beach Associates XIX, LLLP, a Florida limited liability limited partnership, which partnership holds the fee simple ownership interest in the real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County submitted by Boynton Beach Associates XIX, LLLP, a Florida limited liability limited partnership.

2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

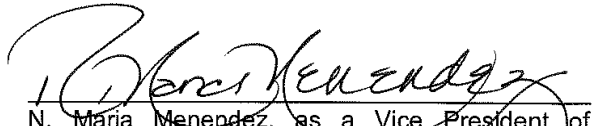
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


 N. Maria Menendez, as a Vice President of
 Boynton Beach XIX Corporation, a Florida
 corporation, the general partner of Boynton Beach
 Associates XIX, LLLP, a Florida limited liability
 limited partnership

The foregoing instrument was acknowledged before me this 15th day of November, 2010, by
 N. Maria Menendez, as a Vice President of Boynton Beach XIX Corporation, a Florida
 corporation, the general partner of Boynton Beach Associates XIX, LLLP, a Florida limited
 liability limited partnership, [X] who is personally known to me or [] who has produced
 as identification and who did take an oath.



Steven Marc Helfman
 COMMISSION # DD981458
 EXPIRES: MAY 30, 2014
 WWW.AARONNOTARY.COM



Notary Public

(Print Notary Name)

My Commission Expires: _____

EXHIBIT "A"**Legal Description of the Property****LEGAL DESCRIPTION: DEVELOPMENT PARCEL**

(PARCEL 1)

BEING A PORTION OF TRACTS 1, 2, 3, 4, 21 THROUGH 28 AND 45 THROUGH 48, BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54. TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN SAID TRACTS 21 THROUGH 24 AND TRACTS 25 THROUGH 28, AS CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 9045, PAGE 1341, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 45; THENCE NORTH 00°23'24" WEST ALONG THE WEST LINE OF SAID TRACTS 4, 21, 28 AND 45, A DISTANCE OF 2630.45 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 77.88 FEET SOUTH OF PARALLEL WITH THE NORTH LINE OF SAID TRACTS 1, 2, 3 AND 4, A DISTANCE OF 1264.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 16522, PAGE 1317 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 676.21 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 14,945.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 419.66 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 1547.32 FEET, THE LAST THREE DESCRIBED COURSES RUNNING ALONG SAID WEST RIGHT-OF-WAY LINE OF LYONS ROAD; THENCE SOUTH 89°36'36" WEST ALONG THE SOUTH LINE OF SAID TRACTS 45, 46, 47 AND 48, A DISTANCE OF 1289.68 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH (PARCEL 2)

BEING A PORTION OF TRACTS 49 THROUGH 60, AND TRACTS 61 THROUGH 96, ALL WITHIN BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54. TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN OR ADJACENT TO THE ABOVE SAID TRACTS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 85; THENCE NORTH 01°06'47" WEST, ALONG THE WEST LINE OF SAID TRACTS 85, 84, 61 AND 60, A DISTANCE OF 2,527.45 FEET; THENCE NORTH 89°36'33" EAST, A DISTANCE OF 2,059.48 FEET; THENCE NORTH 00°23'27" WEST, A DISTANCE OF 106.21 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 38.28 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 57 THROUGH 59, A DISTANCE OF 580.10 FEET TO A POINT IN THE CENTER OF A PLATTED ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; THENCE NORTH 00°23'27" WEST, ALONG THE CENTERLINE OF SAID ROAD, DYKE AND DITCH RESERVATION, A DISTANCE OF 2.64 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 56 AND ITS WESTERLY EXTENSION, A DISTANCE OF 344.92 FEET; THENCE SOUTH 00°23'27" EAST, ALONG THE EAST LINE OF SAID TRACT 56, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 36.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 50 THROUGH 55, A DISTANCE OF 1,979.56 FEET; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 50, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL

WITH THE NORTH LINE OF SAID TRACT 49, A DISTANCE OF 299.92 FEET; THENCE SOUTH 00°23'24" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 16522, PAGE 1317, OF SAID RECORDS, A DISTANCE OF 2,636.17 FEET; THENCE SOUTH 89°36'36" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 85 THROUGH 96 AND ITS EASTERLY EXTENSION, A DISTANCE OF 5232.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT ONE AS RECORDED IN PLAT BOOK 112, PAGE 95, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT TWO AS RECORDED IN PLAT BOOK 112, PAGE 184, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT THREE AS RECORDED IN PLAT BOOK 113, PAGE 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT FOUR AS RECORDED IN PLAT BOOK 113, PAGE 21, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT FIVE AS RECORDED IN PLAT BOOK 113, PAGE 142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT NINE AS RECORDED IN PLAT BOOK 113, PAGE 50, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT ONE AS RECORDED IN PLAT BOOK 112, PAGE 95, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
LESS AND EXCEPT LOTS 1, 2, 4, 7 THROUGH 12, 14, 16, 17, 18, 19, 21, 22, 23, 24, 27, 28, 29, 31, 32, 35, 38, 45, 49, 50, 51, 55, 56, 57 THROUGH 61, 63 THROUGH 67, 71 THROUGH 78, 81 82, 83, 84, 85, 88 THROUGH 99, 101, 102, 103, 104, 106, 112, 113, 114, 115, 133 THROUGH 160, 163, 164, 165, 166, 168, 169, 170, 171, 172, 173, 178, 179, 180 AND 181 FROM SAID LYONS WEST AGR P.U.D. – PLAT ONE.
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT TWO AS RECORDED IN PLAT BOOK 112, PAGE 184, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT THREE AS RECORDED IN PLAT BOOK 113, PAGE 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT FOUR AS RECORDED IN PLAT BOOK 113, PAGE 21, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
LESS AND EXCEPT LOTS 208, 209, 210, 210, 212, 213, 214, 215, 217 THROUGH 224, 226, 227, 228, 229, 231, 232, 233, 234, 236, 237, 240, 241, 242, 245, 247, 248, 249, 250, 251, 256, 272, 290 THROUGH 295, 299, 300, 304, 305, 306, 311, 312, 313, 315, 316, 317, 318, 319, 330, 331, 400, 403, 407 THROUGH 412, 415 THROUGH 420 AND 422 FROM SAID LYONS WEST AGR P.U.D. – PLAT FOUR.
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT FIVE AS RECORDED IN PLAT BOOK 113, PAGE 142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
ALL LANDS LYING WITHIN LYONS WEST AGR P.U.D. – PLAT NINE AS RECORDED IN PLAT BOOK 113, PAGE 50, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
LESS AND EXCEPT LOTS 367, 369, 371, 372, 373, 374 AND 402 FROM SAID LYONS WEST AGR P.U.D. – PLAT NINE.

BEARINGS REFERENCED HEREON ARE BASED ON STATE PLANE GRID, FLORIDA EAST ZONE, NAD 83/90. THE LINE FORMED BY INVERSING BETWEEN GPS CONTROL POINTS "PBF-57" AND "PBF-58" AS SET AND PUBLISHED BY PALM BEACH COUNTY, FLORIDA, HAVING A BEARING OF N 89°57'56" E.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323.
2. Maya Ezratti-Rosenblum, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323.
5. AmFin Financial Corporation (f/k/a AmTrust Financial Corporation) having an address of 25700 Science Park Drive, Landmark Center, Suite 365, Beachwood, Ohio 44122, a debtor under Bankruptcy Case No. 09-21323 pending in the United States Bankruptcy Court for the Northern District of Ohio, through its wholly owned subsidiary, Amtrust Real Estate Investments, Inc.